

YEAS—17.

Chesley,	Johnson of Collin,	Pfeuffer,
Collins,	Jones,	Pope,
Evans,	King,	Shannon,
Farrar,	Kleberg,	Stratton,
Gooch,	Matlock,	Traylor.
Houston,	Perry,	

NAYS—12.

Buchanan,	Fowler,	Martin,
Cooper,	Getzendaner,	Patton,
Davis,	Gibbs,	Peacock,
Fleming,	Harris,	Terrell.

Senator Collins offered the following resolution:

Resolved, That the chairman of the Committee on Rules be and is hereby instructed to purchase thirty copies of the rules of the Senate, or cause such rules to be printed as soon as practicable.

Adopted.

The consideration of Senate joint resolution No. 18, with the accompanying resolution, etc., resumed.

Senator Stratton offered the following amendment:

Amend by striking out ninety days and inserting thirty days.

A message was received from the House announcing the passage of the following bills:

Senate bill No. 7, entitled "An act to amend articles 245 and 247 of the Revised Statutes."

House bill No. 14, to be entitled "An act to amend article 1265 of chapter 8, title 29, of the Revised Civil Statutes, relating to verified answers in civil cases;" and

House bill No. 24, to be entitled "An act to amend article 1052, title 15, chapter 2, of the Code of Criminal Procedure of the State of Texas."

Senator Houston moved the previous question on the pending resolutions, substitute and amendments.

The previous question was sustained and main question ordered.

Senator Stratton's amendment lost by the following vote:

YEAS—13.

Cooper,	Gibbs,	Patton,
Davis,	Houston,	Pfeuffer,
Evans,	Johnson of Collin,	Stratton,
Fowler,	Jones,	Traylor.
Getzendaner,		

NAYS—16.

Buchanan,	Harris,	Peacock,
Chesley,	King,	Perry,
Collins,	Kleberg,	Pope,
Farrar,	Martin,	Shannon,
Fleming,	Matlock,	Terrell.
Gooch,		

Substitute adopted, and bill ordered engrossed by the following vote:

YEAS—21.

Buchanan,	Gooch,	Patton,
Chesley,	Harris,	Peacock,
Collins,	Houston,	Perry,
Cooper,	King,	Pope,
Farrar,	Kleberg,	Shannon,
Fleming,	Martin,	Terrell,
Fowler,	Matlock,	Traylor.

NAYS—8.

Davis,	Gibbs,	Pfeuffer,
Evans,	Johnson of Collin,	Stratton.
Getzendaner,	Jones,	

Senate bill No. 40, entitled "An act to amend article 180, Penal Code," was taken up and read second time.

Committee amendments adopted.

The hour having arrived (12 o'clock m.) the Senate proceeded to vote for United States Senator to succeed Hon. Richard Coke, as per Senate resolution adopted this morning.

Senator Terrell placed in nomination the Hon. Richard Coke for United States Senator to succeed himself.

Senator Pope seconded the nomination of Senator Richard Coke for United States Senator.

On call of the roll the following Senators voted for Hon. Richard Coke, for United States Senator, to succeed himself, viz :

Buchanan, Chesley, Collins, Cooper, Davis, Evans, Farrar, Fleming, Fowler, Getzendaner, Gibbs, Gooch, Harris, Houston, Johnson of Collin, Jones, King, Kleburg, Martin, Matlock, Patton, Peacock, Perry, Pfeuffer, Pope, Shannon, Stratton, Terrell and Traylor—29; being every Senator present.

After the announcement of the result, on motion of Senator Houston, the Senate adjourned until 10 o'clock a. m. to-morrow.

THIRTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 24, 1883. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Kleberg, the reading of the journal of yesterday was dispensed with.

On motion of Senator Matlock, Mr. Hunter, Second Assistant Secretary of the Senate, was excused for one week, on account of sickness.

Senator Houston presented a petition of Octaviana Larizolo, a citizen of El Paso county, asking an appropriation to pay school vouchers accompanying said petition. Referred to Committee on Finance.

Senator Kleberg presented a memorial, signed by members of the San Marcos bar, asking for the passage of certain amendments to article 1052, Code of Criminal Procedure. Referred to Judiciary Committee No. 2.

Senator Buchanan, chairman of Committee on Rules, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 24, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Rules, to whom was referred Senate resolution, offered by the Senator from Bexar, in words as follows:

"*Resolved*, That subdivisions eighth and ninth of rule 13 of the Senate rules, prescribing the order of business, be so amended as to read as follows:

"Eighth. For bills on third reading.

"Ninth. For bills on second reading."

have considered said resolution, and instruct me to report the same back to the Senate and recommend that it be adopted.

BUCHANAN, Chairman.

On motion of Senator Buchanan, rules were suspended to take action on the resolution embodied in the report. Rules were suspended and the resolution was adopted.

Senator Kleberg, chairman of Committee on Retrenchment and Reform, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, January 23, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Retrenchment and Reform, to whom was referred Senate bill No. 125, have considered the same, and have instructed me to report it back with the recommendation that it do pass.

KLEBERG, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 23, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Retrenchment and Reform, to whom was referred Senate bill No. 115, have considered the same, and instruct

me to report the same back with the recommendation that it do not pass.

KLEBERG, Chairman.

Bill read first time.

Senator Jones, chairman of Committee on Insurance and Statistics, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 22, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Insurance and Statistics, to whom was referred Senate bill No. 102, entitled "An act to amend chapter 3, title 54, of an act to adopt and establish the Revised Civil Statutes of the State of Texas," passed February 28, 1879," relating to insurance, by adding thereto two additional articles, to be numbered article 2971a and article 2971b, have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, for the reason that there are numerous counties in the State in which insurance companies are doing business, wherein there are no resident agents upon whom to get service.

JONES, Chairman.

Bill read first time.

Senator Davis, chairman of Committee on Education submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 24, 1883.

Hon. Marion Martin, President of the Senate:

We, the committee appointed to investigate and ascertain the status of the bonds to the amount of three hundred and twenty thousand three hundred and sixty-seven dollars and thirteen cents, issued May 13, 1865, by the State to the public free school fund, under the act of November 15, 1864, and bearing interest at the rate of six per cent per annum, and the credits or offsets, if any, that the school fund should allow thereon, would respectfully report:

1. Pursuant to the act of August 13, 1856, this State, from August 13, 1857, to August 2, 1859, lent to the Houston and Texas Central Railroad Company the sum of \$257,225.56 of money belonging to the public school fund, for which the railway company executed to the school fund bonds bearing interest at the rate of six per cent per annum. Pursuant to the same act, the State, on June 28, 1859, lent to the Washington County Railroad Company \$66,000 of public school money, for which the company executed to the school fund its six per cent interest bearing bonds. In the same manner, and upon the same terms, the State, from March 1, 1858, to December 19, 1859, lent the Buffalo Bayou, Brazos and Colorado Railway Company public school money to the amount of \$420,000. In like manner the State, from December 22, 1859, to October 12, 1860, lent to the Houston Tap and Brazoria Railroad Company \$300,000 of public school money. All of which fully appears on pages 26, 27 and 28 of Comptroller Darden's report for the year ending August 31, 1880.

During the late war this State issued a species of money known as treasury warrants, and by several acts of the Tenth Legislature (approved December 16, 1863, May 28, 1864, and November 15, 1864), the railway companies were allowed to discharge the principal and interest of their bonds to the school fund, in these treasury warrants. Under these acts the Houston and Texas Central Railroad Company, from January 20, 1864, to August 24, 1864, paid into the treasury \$105,774.35 in these warrants in payment of the interest on their bonds to the school fund.

The Washington County Railroad Company paid on their bonds in such warrants, from July 11, 1864, to May 11, 1865, the sum of \$47,090.20, of which \$27,663 was principal, and the balance interest.

The Buffalo Bayou, Brazos and Colorado Railroad Company, in such warrants, from August 20, 1864, to September 19, 1864, paid the sum of \$98,019.28, all of which was interest.

The Houston Tap and Brazoria Railroad Company paid in like manner from the twenty-third day of June, 1864, to the twenty-fourth day of August, 1864, the sum of \$69,483.33, all of which was interest.

The acts under which these payments were made required that the railroad companies should satisfy the Comptroller that such warrants were received by them for freight and passenger travel at par with specie; after which the Comptroller was directed to issue to the school fund bonds payable in specie and bearing interest at the rate of six per cent per annum, for an amount equal to the amounts paid by said railroad companies in warrants as aforesaid.

In obedience to these acts, W. S. Robards, the then Comptroller, on the thirteenth day of May, 1865, issued to the school fund the bonds for the sum of three hundred and twenty thousand three hundred and sixty-seven dollars and thirteen cents, that being the total amount paid as above in treasury warrants by the railroad companies.

Afterwards, on the first day of November, 1870, A. Bledsoe, the then Comptroller, charged each of the above railroads, except the Houston Tap and Brazoria Railroad Company, with the amounts so paid by it in treasury warrants, and demanded of the railroad companies payment of interest thereon at the rate of six per cent per annum, and two per cent as a sinking fund from and after that date.

The railroad companies, under protest, paid the interest and the sinking fund as demanded, and have, with the exception of the Washington County Railroad Company, continued, under protest, however, to make their annual payments of interest and sinking fund.

The Washington County Railroad Company made its annual payments of interest and sinking fund on the amount paid by it in warrants as above till November, 1870, when it declined to make any further payments.

At the time this company made default as above, the amounts paid by it on that part of its indebtedness discharged in treasury warrants, and recharged by Comptroller Bledsoe, was sufficient to discharge the balance of the debt due from it to the school fund.

This railroad, for this reason, declines to make any further payments, and insists that the debt has been fully discharged.

The Houston Tap and Brazoria Railroad Company was never recharged with the amount paid by it in treasury warrants, but for failure to comply with the terms of the act of August 13, 1856, this road was in 1867 sold and bought in by the State, and was in 1871 sold by the State. In this transaction the school fund lost about \$544,770.

After investigation we think that bonds for the sum of \$320,367.13, issued by Comptroller W. S. Robards May 13, 1865, under the circumstances above set forth, are valid debts against the State, and were issued by competent authority under laws passed by a Legislature, with full authority to bind the State, and that the State has neither legal nor moral ground upon which to base a refusal to pay.

The interest which has been collected from the railroad companies over protest since November 1, 1870, upon the amount paid by the railroad companies in treasury warrants, has been paid into the available school fund, and should, we think, offset *pro tanto* the interest that has accrued on the school bonds since November 1, 1870, but the principal of the bonds and the interest that accrued thereon prior to November 1, 1870, and the interest that has since accrued, less the offset above mentioned, should be paid by the State to the public free school fund.

W. O. DAVIS,
J. R. FLEMING,
W. R. SHANNON.

On motion of Senator Fleming, the report was referred to the Committee on Education.

Senator Collins introduced a bill entitled "An act amendatory of title 83, and of the supplement thereto, of the Revised Civil Statutes" (quarantine law.) Referred to Committee on Public Health, and, on motion of Senator Stratton, 100 copies were ordered printed.

The President gave notice of signing Senate bill No. 7, "An act to amend articles 245 and 247 of the Revised Statutes."

Senator Traylor introduced a bill entitled "An act establishing a branch Lunatic Asylum, providing for the management of the same, and making an appropriation for its building and operation." Referred to Committee on Asylums.

Senator Peacock introduced a bill entitled "An act to amend article 1106, chapter 4, title 15, Code of Criminal Procedure." Referred to Judiciary Committee No. 2.

Senator Fowler, by unanimous consent, presented a memorial of Louis Eilers, asking for an appropriation or provision for the payment of certain school vouchers and claims accompanying this memorial. Referred to Committee on Education.

Senator Martin introduced the following bills:

"An act to amend an act entitled 'an act to define in what civil cases depositions of witnesses may be taken.'" Referred to Judiciary Committee No. 1.

"An act to amend title 38, chapter 2 of the Revised Statutes of Texas, by adding thereto article 2232a." Referred to Judiciary Committee No. 1.

Senate bill No. 28, "An act to amend article 2863 of the Revised Statutes of the State of Texas," being special or-

der for this hour, was taken up and read second time. The Senate refused to engross the bill.

Senator Martin moved to reconsider the vote by which the Senate refused to engross the bill. Adopted, and vote reconsidered.

Senator Martin offered the following amendment: Amend by inserting in eighth line, after the word "evidence," the words "independent of the confession or admission of either party." Adopted.

Senator Davis offered the following amendment: Amend by adding, "The county and district attorneys shall be ex-officio attorneys for the defendants in actions for divorce, upon whom notices, etc., can be served." Adopted.

The Senate refused to engross the bill by the following vote:

YEAS—11.

Buchanan,	Houston,	Perry,
Cooper,	Jones,	Pope,
Gibbs,	Kleberg,	Terrell.
Gooch,	Martin,	

NAYS—18.

Chesley,	Getzendaner,	Peacock,
Collins,	Harris,	Pfeuffer,
Davis,	Johnson of Collin,	Randolph,
Evans,	King,	Shannon,
Fleming,	Matlock,	Stratton,
Fowler,	Patton,	Traylor.

Senator Cooper, chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM.

AUSTIN, January 23, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 7, being "An act to amend articles 245 and 247 of the Revised Statutes," and find the same correctly enrolled, and have this day at 10:30 o'clock a. m. presented the same to the Governor for his approval.

COOPER, Chairman.

Senate bill 29, "An act to amend articles 503 and 504, chapter 3 of the Penal Code," was taken up and read second time.

Senator Davis offered the following amendment: Amend first section of the bill by changing the punishment to "imprisonment for life, or for a term of not less than five years." Adopted by the following vote:

YEAS—22.

Buchanan,	Gooch,	Patton,
Chesley,	Harris,	Peacock,
Cooper,	Jones,	Perry,
Davis,	King,	Pfeuffer,
Farrar,	Kleberg,	Randolph,
Fleming,	Martin,	Shannon,
Getzendaner,	Matlock,	Traylor.
Gibbs,		

NAYS—8.

Collins,	Houston,	Stratton,
Evans,	Johnson of Collin,	Terrell.
Fowler,	Pope,	

Senator Chesley offered the following amendment: Amend by adding to article 504 of the bill the following: "Provided, that when the assault is made with a deadly weapon the jury may, in their discretion, inflict the punishment of death." Adopted by the following vote:

YEAS—18.

Chesley,	Gibbs,	Peacock,
Collins,	Harris,	Perry,
Evans,	Houston,	Pfeuffer,
Farrar,	Johnson of Collin,	Pope,
Fowler,	Jones,	Randolph,
Getzendaner,	Matlock,	Terrell.

NAYS—11.

Buchanan,	Kleberg,	Shannon,
Cooper,	King,	Stratton,
Davis,	Martin,	Traylor.
Fleming,	Patton,	

Senator Fowler moved to reconsider the vote by which Senator Davis' amendment was adopted. Senate refused to reconsider by the following vote:

YEAS—12.

Buchanan,	Houston,	Perry,
Collins,	Johnson of Collin,	Pope,
Evans,	Kleberg,	Shannon,
Fowler,	Martin,	Stratton.

NAYS—16.

Chesley,	Gibbs,	Patton,
Cooper,	Harris,	Peacock,
Davis,	Jones,	Pfeuffer,
Farrar,	King,	Randolph,
Fleming,	Matlock,	Traylor.
Getzendaner,		

The Senate refused to engross the bill, by the following vote:

YEAS—11.

Chesley,	Harris,	Matlock,
Evans,	Houston,	Peacock,
Farrar,	Johnson of Collin,	Perry.
Getzendaner,	Martin,	

NAYS—17.

Buchanan,	Gooch,	Pope,
Collins,	Jones,	Randolph,
Cooper,	King,	Shannon,
Davis,	Kleberg,	Stratton,
Fleming,	Patton,	Traylor.
Fowler,	Pfeuffer,	

The following message was received from the House:

Mr. President:

I am instructed to inform your honorable body that the House has passed the following resolution:

Resolved, That the Senate be invited to meet the House in joint session, at 12 o'clock m. to-day, for the purpose of having officially announced the vote of the Senate and House of Representatives, and the result thereof, for United States Senator, taken on the twenty-third day of January, 1883.

J. W. BOOTH, Chief Clerk.

Senator Harris moved to suspend the regular order of business to act on the resolution adopted by the House and just reported to the Senate, with reference to counting the vote for United States Senator. Adopted.

Senator Harris offered the following resolution:

Resolved, That the Senate meet with the House of Representatives in joint session, at 12 o'clock to-day, for the purpose of officially declaring the vote for United States Senator, taken on yesterday, and that the House be notified of this resolution.

Adopted.

Senate bill No. 4, "An act to amend title 9, chapter 3, of the Penal Code of the State of Texas, by adding thereto another article, to be numbered article 317a," was taken up in regular order, read third time and passed.

Senator Davis entered motion to reconsider the motion by which the Senate refused to engross Senate bill No. 29.

Senate bill No. 10, "An act to repeal an act entitled 'an act to prescribe the requisites of indictments in certain cases,' approved March 26, 1881, except as to indictments and criminal prosecutions pending at the time this act takes effect," was taken up and read third time.

On motion of Senator Houston the bill was re-referred to Judiciary Committee No. 2.

Senator Pope, by unanimous consent, introduced a bill entitled "An act to require owners and lessees of certain buildings and their agents to provide ways and means of escape from said buildings in cases of fire." Referred to Judiciary Committee No. 1.

On motion of Senator Harris, the Senate took a recess of five minutes.

Recess expired. Senate called to order.

A message was received from the House, announcing that they were ready to receive the Senate for the purpose of counting the vote for United States Senator.

On motion of Senator Harris, the Senate proceeded to the House for the purpose aforesaid.

IN JOINT SESSION.

Senate roll called. Quorum present.

House roll called. Quorum present.

The minutes of the Senate of yesterday, with regard to the election of United States Senator, were read.

The minutes of the House of yesterday, with regard to the election of United States Senator, were read.

The Speaker of the House then announced that Hon. Richard Coke had, on yesterday, received in the Senate 29 votes, and in the House 99 votes, making a total of 128 votes, and he further announced that Hon. Richard Coke, having received, on yesterday, a majority of the votes of the Senate and of the House of Representatives for United States Senator, was duly and constitutionally elected United States Senator for the State of Texas, for six years, commencing on the fourth of March, A. D. 1883.

On motion of Senator Houston, the joint session adjourned, and the Senate retired to its chamber.

IN SENATE.

A message was received from the House announcing the the passage of Senate bill No. 9, "An act to amend section 11 of an act to protect the wool growing interest of the State of Texas," approved March 25, 1879." Referred to Committee on Stock and Stockraising.

Also, a concurrent resolution instructing our Senators and requesting our Representatives in Congress to vote against any tax on quinine.

Senate bill No. 13, "An act to amend articles 669 and 670 of the Code of Criminal Procedure," was taken up, read third time and passed.

Senate bill No. 17, "An act to repeal an act entitled 'an act granting to persons who have been permanently disabled by wounds received while in the service of this State or of the Confederate States, a land certificate of 1280 acres of land,'" was taken up and read third time.

Senator Houston offered the following amendment: Amend by adding the following: "Provided that nothing in this act shall affect the validity of certificates already issued under the act repealed, or the issuance of patents thereunder." Adopted by the following vote:

YEAS—21.

Buchanan,	Getzendaner,	Peacock,
Chesley,	Houston,	Perry,
Collins,	Johnson of Collin,	Pope,
Cooper,	Jones,	Randolph,
Evans,	Kleberg,	Shannon,
Fleming,	Martin,	Terrell,
Fowler,	Matlock,	Traylor.

NAYS—6.

Davis,	Gibbs,	King,
Farrar,	Harris,	Pfeuffer.

Bill passed by the following vote:

YEAS—28.

Buchanan,	Harris,	Peacock,
Chesley,	Houston,	Perry,
Collins,	Johnson of Collin,	Pfeuffer,
Cooper,	Jones,	Pope,
Evans,	King,	Randolph,
Farrar,	Kleberg,	Shannon,
Fleming,	Martin,	Stratton,
Fowler,	Matlock,	Terrell,
Getzendaner,	Patton,	Traylor.
Gibbs,		

NAYS—1.

Davis.

Senate bill 24, "An act authorizing the Commissioner of the General Land Office to employ additional clerks, and fixing their salaries," was taken up, read third time and passed by the following vote:

YEAS—27.

Buchanan,	Gibbs,	Patton,
Chesley,	Gooch,	Peacock,
Collins,	Harris,	Perry,
Cooper,	Houston,	Pfeuffer,
Evans,	Jones,	Pope,
Farrar,	King,	Randolph,
Fleming,	Kleberg,	Shannon,
Fowler,	Martin,	Terrell,
Getzendaner,	Matlock,	Traylor.

NAYS—2.

Davis,	Johnson of Collin.
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On motion of Senator Collins, Senate adjourned until tomorrow morning at 10 o'clock.

FOURTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 25, 1883. }

The Senate met pursuant to adjournment. Lieutenant-Governor Martin in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Stratton, the reading of the journal of yesterday was dispensed with, and the same adopted.

Senator Martin, chairman of Committee on Engrossed bills, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, January 24, 1883.

Honorable Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 2, being "An act to amend article 3201, chapter 1, title 62, of the Revised Statutes."

Also, Senate bill No. 9, being "An act to amend articles 730 and 731 of the Code of Criminal Procedure."

Also, Senate bill No. 81, being "An act to prevent certain county officers, their deputies and employees, from purchasing property at tax sales."

Also, Senate bill No. 94, being "An act requiring the printing and publication of five thousand copies of the general laws of the Sixteenth and Seventeenth Legislatures, and the general laws of the called session of the Sixteenth Legislature;" and find the same correctly engrossed.

MARTIN, Chairman.

Senator Randolph, chairman of Committee on Private Land Claims, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 25, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Private Land Claims, to whom was referred Senate petition No. 9, have carefully considered the same, but there being no one present to represent the claim, your committee were unable to see any merit in it, and instruct me to report it back with the recommendation that the relief prayed for be not granted.

RANDOLPH, Chairman.

Bill read first time.

Senator Houston introduced a bill to be entitled "An act to amend section 2, and repeal section 3, of chapter 19, of the general laws of the State of Texas, passed at the regular session of the Seventeenth Legislature." Referred to Judiciary Committee No. 1.

Also, "An act to diminish the civil and criminal jurisdiction of the county courts of Atascosa, Live Oak, and San Patricio counties," etc. Referred to Judiciary Committee No. 1.

Senator Johnson of Collin, introduced a bill to be entitled "An act to amend article 4705 of the Revised Statutes of the State of Texas." Referred to Committee on Finance.

Senator Kleberg offered a joint resolution, requesting Texas Senators and Representatives to secure division of